

From: C. Scott Ananian
To: Microsoft ATR
Date: 1/28/02 12:50pm
Subject: Microsoft Settlement.

I am a graduate student at MIT, and author and maintainer of many commonly-used "open source" applications[*]. I have also contributed code to the Linux kernel that is used by millions of people every day.

I wish to express my dissatisfaction with the terms of the DOJ/Microsoft settlement. It does not, in my opinion, serve the public interest and provide remedy for the anti-competitive actions of the monopolist. In particular, I urge a closer examination of how the terms of the proposed settlement impact *non-profit* competitive entities; as a case study you might want to examine the Apache foundation (www.apache.org), which produces the *only* web server which is a real competitive threat to Microsoft at this time. The terms of the agreement, by letting Microsoft decide what constitutes a "real business", threaten to exclude independent developers and non-profits like the Apache foundation from the disclosures (API and otherwise) which the settlement hopes will place a check on Microsoft. In this way, Microsoft may actually be able to edge out its last remaining competition from the marketplace --- certainly not the result the DOJ intends, and certainly not in the public interest.

As an independent developer who has written (for example) a competitive reimplementation of Microsoft's PPTP protocol *without benefit of any information from Microsoft* and who would almost certainly *not* qualify for API disclosure however Microsoft decides to define "viable business", I have a personal interest in seeing this settlement loophole closed. And on behalf of the many people who have used my software, I can state definitively that there is a public interest in allowing developers like myself to compete with Microsoft.

Thank you.

C. Scott Ananian
305 Memorial Drive
Cambridge, MA 02139

[*] More correctly called "free software", with the "free" referring to freedom, not to price. In fact you are allowed to charge whatever you like for "free software", provided you do not restrict the purchaser's ability to make use of it in various specified ways.